

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, BY AMENDING AND RENAMING SECTION 24-461, PERMITTED USES TO NEW NAME USE LIST; BY DELETING SECTION 24-462, USES PERMITTED BY SPECIAL USE PERMIT ONLY; BY AMENDING AND RENUMBERING SECTION 24-463, OUTDOOR OPERATIONS AND STORAGE WITH NEW NUMBER 24-462; BY AMENDING AND RENUMBERING SECTION 24-464, DOCUMENTS REQUIRED FOR SUBMISSION WITH NEW NUMBER 24-463; BY DELETING SECTION 24-465, MASTER PLAN – ADMINISTRATIVE REVIEW FEES; BY RENUMBERING SECTION 24-466, PROCEDURES WITH NEW NUMBER 24-464; BY DELETING SECTION 24-467, DEVELOPMENT PLAN; BY DELETING SECTION 24-468, SAME – ADMINISTRATIVE REVIEW FEE; BY RENUMBERING SECTION 24-469, MINIMUM AREA OF DISTRICTS WITH NEW NUMBER 24-465; BY AMENDING AND RENUMBERING SECTION 24-470, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN WITH NEW NUMBER 24-466; BY AMENDING AND RENUMBERING SECTION 24-471, OPEN SPACE WITH NEW NUMBER 24-467; BY AMENDING AND RENUMBERING SECTION 24-472, SETBACK REQUIREMENTS WITH NEW NUMBER 24-468; BY AMENDING AND RENUMBERING SECTION 24-473, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS WITH NEW NUMBER 24-469; BY AMENDING, RENUMBERING AND RENAMING SECTION 24-474, SIGN REGULATIONS AND PARKING REQUIREMENTS WITH NEW NUMBER AND NAME 24-470 SIGN REGULATIONS; BY DELETING SECTION 24-475, UTILITIES; AND BY RENUMBERING SECTION 24-476, SITE PLAN REVIEW WITH NEW NUMBER 24-471.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 13, Research and

Technology District, by amending 24-461, Use list; Section 24-462, Outdoor operations and storage; Section 24-463, Documents required for submission; Section 24-464, Procedures; Section 24-465, Minimum area of districts; Section 24-466, Requirements for improvements and design; Section 24-467, Open space; Section 24-468, Setback requirements; Section 24-469, Height limits and height limitation waivers; Section 24-470, Sign regulations; and Section 24-471, Site plan review.

Chapter 24

ARTICLE V. DISTRICTS

DIVISION 13. RESEARCH AND TECHNOLOGY DISTRICT, RT

Sec. 24-460. Statement of intent.

The primary purpose of the Research and Technology District, RT, is to establish an area where the principal use of land is for research and technology operations which are not ordinarily compatible with residential and retail business development. The specific intent of this district is to accomplish the following:

- (1) Encourage the use of land for research and technology purposes;
- (2) Encourage large-scale, master-planned developments in a campus or park-like setting;
- (3) Prohibit residential and retail business developments on land reserved for research and technology uses; and
- (4) Establish minimum requirements to protect the health, safety and welfare of the citizens of James City County from the effects of the development of research and technology uses.

Sec. 24-461. ~~Permitted uses~~ *Use list*.

In the Research and Technology District, RT, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

~~Accessory uses as defined in section 24-2.~~

~~Antennas and towers, self supported (not attached to buildings), and tower mounted wireless communications facilities which are 60 feet or less in height.~~

~~An apartment or living quarters for a guard, caretaker, proprietor or other person employed on the premises which is clearly secondary to the research and technology use of the property.~~

~~Banks and other similar financial institutions as an accessory use to other permitted uses.~~

~~Child day care centers as an accessory use to other permitted uses.~~

~~Clinics as an accessory use to other permitted uses.~~

~~Corporate offices.~~

~~Courier services.~~

~~Data processing centers as an accessory use to other permitted uses.~~

~~Fire stations.~~

~~Health clubs, exercise clubs and fitness centers as accessory use to other permitted uses.~~

~~Industrial and technical training schools.~~

~~Laser technology production.~~

~~Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.~~

~~Manufacture or assembly of electronic instruments, electronic devices or electronic components.~~

~~Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.~~

~~Off street parking as required by section 24-54.~~

~~Private streets within "qualifying industrial parks" in accordance with section 24-62.~~

~~Publicly owned solid waste container sites.~~

~~Radio and television studios and accessory antenna or towers, self supported (not attached to buildings),
which are 60 feet or less in height.~~

~~Research, development and design facilities or laboratories.~~

~~Restaurants as an accessory use to other permitted uses.~~

~~Telephone exchanges and telephone switching stations.~~

~~Timbering in accordance with section 24-43.~~

~~Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.~~

~~Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and
comply with division 6, Wireless Communications Facilities.~~

<i>Use Category</i>	<i>Use List</i>	<i>Permitted Uses</i>	<i>Specially Permitted Uses</i>
<i>Residential Uses</i>	<i>An apartment or living quarters for a guard, caretaker, proprietor or other person employed on the premises which is clearly secondary to the research and technology use of the property.</i>	<i>P</i>	
<i>Commercial Uses</i>	<i>Accessory uses and structures as defined in section 24-2</i>	<i>P</i>	
	<i>Banks and other similar financial institutions as an accessory use to other permitted uses</i>	<i>P</i>	
	<i>Child day care centers as an accessory use to other permitted uses</i>	<i>P</i>	
	<i>Clinics as an accessory use to other permitted uses</i>	<i>P</i>	
	<i>Corporate offices</i>	<i>P</i>	
	<i>Courier services</i>	<i>P</i>	
	<i>Data processing centers as an accessory use to other permitted uses</i>	<i>P</i>	
	<i>Health clubs, exercise clubs and fitness centers as accessory use to other permitted uses</i>	<i>P</i>	
	<i>Off-street parking as required by section 24-54 article II, division II of this chapter</i>	<i>P</i>	
	<i>Restaurants as an accessory use to other permitted uses</i>	<i>P</i>	
<i>Civic</i>	<i>Fire stations</i>	<i>P</i>	
<i>Utility</i>	<i>Antennas or towers (not attached to buildings) in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Antennas and towers, self-supported (not attached to buildings), and tower mounted wireless communications facilities which are 60 feet or less in height.</i>	<i>P</i>	
	<i>Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more</i>		<i>SUP</i>
	<i>Radio and television studios and accessory antenna or towers, self-supported (not attached to buildings), which are 60 feet or less in height</i>	<i>P</i>	
	<i>Railroad facilities including tracks, bridges, switching yards and stations. However, s Spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way are permitted generally and shall not require a special use permit</i>		<i>SUP</i>
	<i>Telephone exchanges and telephone switching stations</i>	<i>P</i>	
	<i>Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height</i>		<i>SUP</i>
	<i>Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases,</i>		<i>SUP</i>

	liquids or solids. However, e Extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit		
	Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, t The following are permitted generally and shall not require a special use permit: (a) private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and (b) distribution lines and local facilities within a development, including pump stations		SUP
	Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet	P	
	Water impoundments, new or expansion of, 50 acres or more or with dam height of 25 feet or more		SUP
	Wireless communications facilities that utilize alternative mounting structures, or are camouflaged, and comply with division 6, Wireless Communications Facilities	P	
Open	Timbering in accordance with section 24-43	P	
Industrial	Heliports and helistops and accessory uses		SUP
	Industrial and technical training centers or schools	P	
	Laser technology production	P	
	Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products	P	
	Manufacture or assembly of electronic instruments, electronic devices or electronic components	P	
	Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Publicly owned solid waste container sites	P	
	Research, development and design facilities or laboratories	P	
	Solid waste transfer stations and container sites, public or private		SUP
	Warehouse, storage and distribution centers to serve only uses permitted in the Research and Technology District, RT, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property	P	SUP
	Waste disposal facilities		SUP

~~Sec. 24-462. Uses permitted by special use permit only.~~

~~In the Research and Technology District, RT, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit, by the board of supervisors:~~

~~Antennas or towers (not attached to buildings) in excess of 60 feet in height.~~

~~Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.~~

~~Heliports and helistops and accessory uses.~~

~~Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.~~

~~Solid waste transfer stations.~~

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

~~Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.~~

~~Warehouse, storage and distribution centers to serve only uses permitted in the RT, research and technology district, with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.~~

~~Waste disposal facilities.~~

~~Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:~~

- ~~(a) — private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and~~
- ~~(b) — distribution lines and local facilities within a development, including pump stations.~~

~~Water impoundments, new or expansion of, 50 acres or more or with dam height of 25 feet or more.~~

Sec. 24-4632. Outdoor operations and storage.

Any research or technology operation or storage conducted in whole or in part out-of-doors shall meet the requirements of section 24-4198.

Sec. 24-4643. Documents required for submission.

~~(a) — Required documents.~~ The applicant shall submit the following documents *documents in accordance with section 24-23 to the planning director for submission to the planning commission; prior to any rezoning or special use permit application consideration by the planning commission.*

~~(1) — Application for rezoning~~

~~(2) — Master plan, 30 copies, ten submitted with application for rezoning with balance of required copies submitted at the request of staff in preparation for planning commission review.~~

~~(b) — Master plan.~~ The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. It shall include:

~~(1) — An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivisions or major landmarks.~~

~~(2) — A north arrow.~~

~~(3) — The location of existing property lines, watercourses or lakes, wooded areas and existing roads which are within or adjoin the property.~~

~~(4) — The approximate location of proposed streets and rights of ways with an indication of whether public or private; the approximate location of common open space areas and all areas proposed for dedication to public use within the project.~~

~~Each section or area of the master plan shall be designated as follows:~~

<u>Area Designation</u>	<u>Type of Development</u>
F	Warehouse uses
G	Office uses
H	Light industrial, research or technology uses
I	Institutional or public uses
J	Areas of common open space
M*	Structures containing a mixture of uses

~~X~~ _____ Other structures, facilities or amenities

~~For purposes of this article, the term ‘common open space area’ shall refer to any tract of land intended to be used in common primarily by users of the RT, research and technology district.~~

~~*Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parenthesis, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g., M(HF)) in the order of their proportion in the structure.~~

- ~~(5) Where applicable, the master plan shall contain a table which shows, for each section or area of different uses, the following:~~
 - ~~a. The use;~~
 - ~~b. Approximate development phasing;~~
 - ~~c. Maximum square feet of floor space for office, industrial, research, or technology uses.~~
 - ~~d. Maximum acreage of each use.~~
- ~~(6) Schematic plans which shall indicate the phasing of development and master water, sewer, and drainage plans.~~
- ~~(7) A statement satisfactory to the county attorney on the guarantees and assurances to be provided for the maintenance of common open space, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.~~

~~The master plan shall depict and bind the approximate boundaries and general location of all principal land uses, structure square footage, roads, rights of ways, accesses, open spaces, public uses, and other features located or to be located on the sites. The master plan shall be reviewed and upon approval by the board of supervisors shall become binding. Thereafter, all amendments to the master plan shall be in accordance with section 24 13 of this chapter. Approved development plans, provided for in section 24 467, shall supersede the master plan and schematic plans.~~

~~Sect. 24-465. Master plan—Administrative review fees.~~

~~Submittal of a master plan and subsequent revisions proposed by the applicant to the planning commission shall be accompanied by a fee as specified in section 24 7.~~

Sec. 24-466⁴. Procedures.

(a) *Report of the planning director.* The planning director may refer copies of the master plan to other local public officials for their comments, and the planning director shall prepare a report with recommendations regarding the application. A copy of the report shall be sent to the applicant. When all materials necessary for application are complete and the application is deemed ready for planning commission review, the application, master plan, and report of the planning director shall be placed on the agenda of the planning commission at its next regularly scheduled meeting.

The report of the planning director shall include, but not necessarily be limited to, the following:

- (1) Evaluation of the proposed uses at the site in relation to the county's Comprehensive Plan.
- (2) Evaluation and recommended changes in the design of land use and circulation shown on the master plan of the property.
- (3) Impact of the proposal on surrounding property and the environment.
- (4) Final recommendation regarding approval of the application and master plan or changes which are necessary.

(b) *Consideration by the planning commission and board of supervisors.* The procedures for public hearing and consideration by the planning commission and board of supervisors shall be as set forth in section 24-13.

(c) *Guarantees.* The director of building safety and permits shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and sewer facilities, shown on the development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

~~Sec. 24-467. Development plan.~~

~~Development plans shall be submitted and reviewed in accordance with article III of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning commission concludes, after reviewing written comments from the planning director, that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A conceptual plan may be submitted to the planning commission for this purpose in a form sufficient to illustrate the proposed deviations. If the planning commission determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with section 24-13.~~

~~Sec. 24-468. Same – Administrative review fee.~~

~~Submittals of a site plan or preliminary subdivision plat implementing any portion of an approved master plan shall be accompanied by a fee in accordance with section 24-7 or section 19-15.~~

~~Sec. 24-469~~⁵. Minimum area of districts.

Research and technology districts shall be located on a single parcel of land, or separate but contiguous parcels, which shall total not less than twenty-five acres.

~~Sec. 24-470~~⁶. Requirements for improvements and design.

- (a) *Water and sewer.* All structures and uses within a research and technology district shall be served by publicly owned and operated water and sewer systems.

- (b) *Parking.* Off-street parking facilities shall be provided in accordance with the off-street parking requirements of ~~sections 24-53 and 24-474~~ *article II, division 2 of this chapter.*
- (c) *Street.* All *dedicated public* streets *shown on the development plan* shall meet the *design and construction* requirements of the Virginia Department of Transportation's *standards or the county subdivision ordinance, whichever is more stringent. Such public streets shall be coordinated with the major transportation network shown in the Comprehensive Plan.* ~~The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of engineering and resource protection. Private streets may be permitted within 'qualifying industrial parks' in accordance with section 24-55 upon the approval of the board of supervisors in accordance with the provisions of section 24-62.~~
- (d) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the service authority manager and county fire chief. ~~No structure within the district shall generally be further than 400 feet from a hydrant.~~
- (e) ~~*Streetlights*~~ *Outdoor Lighting.* ~~Streetlights~~ *Outdoor lighting* shall ~~generally be provided at each intersection and adequately spaced in parking lots and other public areas~~ *be provided, as required by article II, division 7 of this chapter and the county subdivision ordinance.* ~~The lighting shall be directed so as not to produce objectionable glare on adjacent property within or near the development. No lighting fixture shall exceed a height of 30 feet in this district.~~
- ~~(f) *Drainage facilities.* Facilities for the adequate control of stormwater drainage and erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Transportation Drainage Manual.~~
- ~~(g) *Natural features and amenities.* Existing features such as specimen trees, wildlife habitats, watercourses, historical sites, and similar irreplaceable assets shall be preserved to the maximum extent possible.~~
- ~~(h) *Landscaping.* All landscaping and tree preservation shall be undertaken in accordance with section 24-86 article II, division 4 of this chapter, and Chapter 23 of the county's Chesapeake Bay Preservation Ordinance.~~

Sec. 24-47167. Open space.

(a) Development within the research and technology districts shall provide usable open space area to create a park-like setting. The amount of open space shall be not less than ten percent of the developable area of the site, and where possible shall be continuous open space. Nondevelopable area ~~consisting of all stream beds, areas subject to flooding, wetlands and areas with slopes exceeding 25 percent gradient~~ shall not be counted towards meeting the open space requirement. For the purposes of this article, open space shall not include any landscape area in parking lots or adjacent to structures. The requirements of this section shall supplement the requirements of the county's Chesapeake Bay Ordinance, ~~section 24-86 article II, division 4 of this chapter~~ (landscaping and tree preservation requirements) and other county requirements relating to open space. For the purposes of this article, open space may include, but is not limited to:

- (1) Perpetual easement(s) of no less than 50 feet in width dedicated to James City County or another group approved by the county adjoining any road designated as a community character corridor on the Comprehensive Plan which shall be left in a natural, undisturbed state.
- (2) Buffer area(s) of no less than 50 feet around a Resources Management Area wetland as measured from the landward edge of the wetland.
- (3) Preservation of any archaeological site, any landmark registered in the Virginia Landmarks Register, the National Register of Historic Places or National Historic Site register.
- (4) Preservation of any developable area ~~demonstrated to be a habitat for any endangered, rare or threatened species of plant or wildlife so designated by the federal government, the State of Virginia (as referenced by the county's Natural Areas Inventory or listed in Virginia's Endangered Species, (Virginia Department of Game and Inland Fisheries, 1991)),~~ onsite that is set aside to meet the county's natural resource policy where preservation of such area is not required by other local, state or federal law.
- (5) Bikeways, bike paths, hiking trails, greenways or other similar amenity, excluding sidewalks.
- (6) Public or private picnic areas, parks, plazas or other gathering areas.

Open space area shall be protected by easements, maintenance agreements and/or other assurances, satisfactory to the county attorney, that set forth the provisions made for the permanent care and maintenance of such property.

Sec. 24-47268. Setback requirements.

(a) *Required perimeter setback from research and technology districts.* For uses permitted in research and technology districts, the following setbacks are required and shall be left in it's a natural undisturbed state:

- (1) A minimum landscaped setback of 100 feet shall be maintained from the right-of-way of any existing or planned public roads which abut the site; and
- (2) A minimum landscaped setback of 50 feet shall be maintained from all property lines adjoining a different zoning district. Where uses permitted in the research and technology district adjoin an existing residentially zoned district or an A-1 District that is designated low-density residential or rural lands on the Comprehensive Plan, the minimum landscaped setback shall be increased to 100 feet.

(b) *Lesser perimeter setback requirements for research and technology districts; criteria for determination.* The development review committee planning director may recommend approval of a reduction in the perimeter setback as specified in section 24-47268 (a) (2) only if the following criteria are met:

- (1) The proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirements of this section and the intent of section 24-86 article II, division 4 of this chapter (Landscaping and Tree Preservation Requirements);
- (2) The proposed setback shall have no additional adverse impact on adjacent properties or public areas;

- (3) The proposed setback will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan; and
- (4) The setback serves to minimize the visual intrusion and other negative impacts of new development or redevelopment on adjacent development.

(c) *Location of structures.* Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the center line of the street. The minimum setback of any portion of a structure which is in excess of 35 feet in height shall be increased one foot for each two feet of the structure's height in excess of 35 feet.

(d) *Lesser setback requirements for research and technology area internal to research and technology districts; criteria for determination.* The ~~development review committee~~ *planning director* may recommend approval of a setback of less than 50 feet as specified in section 24-47268 (c) above, for those areas of a research and technology district that are internal to a research and technology district. A setback reduction may be eligible for review by the ~~development review committee~~ *planning director* only if the following criteria are met:

- (1) The proposed setback, by substitution of technique or design, will achieve results which clearly satisfy the overall purposes and intent of the setback requirement of this section and the intent of ~~section 24-86~~ *article II, division 4 of this chapter* (Landscaping and Tree Preservation Requirements);
- (2) The proposed setback shall have no additional adverse impact on adjacent properties or public areas; and
- (3) The proposed setback will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies and policies of the Comprehensive Plan.

The ~~development review committee~~ *planning director* may recommend approval of a reduction to section 24-47268 (c) upon finding that one or more of the following criteria are met:

- (i) The proposed setback meets the intent of the master plan and is in keeping with the overall character of development that encourages open space; or
- (ii) The proposed setback is for the purpose of integrating proposed research and technology development with adjacent development; or
- (iii) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography; or
- (iv) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

(e) *Requests for modifications.* Requests for modifications to the setbacks as specified in sections 24-47268 (a) and (c) shall be filed in writing with the planning director and shall identify the reasons for such

requests together with the proposed alternative. The planning director ~~shall make a recommendation to the development review committee to~~ approve, deny or conditionally approve the request and shall include a written statement certifying that one or more of the above criteria are met. *In the event the planning director denies the request or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.*

(f) *No minimum lot size or yard requirements.* Except for required setbacks as stated in this section, there shall be no minimum lot size nor minimum side or rear yard requirements for any lot within a research and technology district other than as specified in approved development plans.

(g) *Uses prohibited.* Landscape setbacks shall not be used for streets or for parking except for entrances and driveways which may cross the setback at a perpendicular or near perpendicular angle as possible.

Sec. 24-47369. Height limits and height limitation waivers.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure *and accessory and nonaccessory wireless communication facilities that utilize alternative mounting structures in accordance with division 6, Wireless Communications Facilities,* shall be considered part of the structure.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

- (1) Additional setbacks have been provided as required by section 24-47268(c); however, the board may waive additional setbacks in excess of 60 feet;
- (2) Such structure will not obstruct light from adjacent property;
- (3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- (4) Such structures will not impair property values in the area;
- (5) Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, ~~so as to offer adequate protection to~~ life and property; and
- (6) Such structures will not be contrary to the public health, safety and general welfare.

Sec. 24-4740. Sign regulations and parking requirements.

(a) —To assure an appearance and condition which is consistent with the purposes of the Research and Technology District, RT, outdoor signs on the properties within the district shall comply with the regulations for exterior signs in article II, division 3 of this chapter.

(b) —~~Off street parking and off street loading shall be provided as required in sections 24-53 and 24-54.~~

Sec. 24-475. Utilities.

(a) —~~All development shall be served by public water and sewer.~~

(b) —~~The location of all utilities and utility easements shall be shown on the site plans and be approved as per article III, Site Plan of this chapter.~~

Sec. 24-4761. Site plan review.

All structures or complexes of structures erected, altered or restored within the district shall be subject to Site Plan Review in accordance with article III of this chapter.

Secs. 24-4772 - 24-481. Reserved.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of December, 2012.

ResTechDist_ord